**REMARKS**

After entry of the above amendments, claims 25-37 will be pending in the present application. Claims 1-24 have been cancelled.  New claims 25-37 have been added.  Support for the new claims can be found in the specification, drawings, and claims as originally filed.  No new matter has been added.

In this Amendment, Applicant has cancelled previously pending claims 1-24 from further consideration in this application.  Applicant is <u>not</u> conceding that the subject matter encompassed by claims 1-24 is not patentable over art cited by the Examiner.  Claims 1-24 have been cancelled in this Amendment solely to facilitate expeditious prosecution of the present application.  Applicant reserves the right to pursue claims directed to the subject matter encompassed by claims 1-24 and any additional claims in one or more continuing and/or divisional applications.

**§ 112 Rejections**

Previously pending claims 1-24 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.  In particular, the Examiner took exception to the recitation of the term "fast storage" in the claims.

Claims 1-24 have been cancelled.  New claim 25 recites "the first path having a first storage and the second path having a second storage, the first storage being smaller in size and faster in speed than the second storage".  Applicant respectfully submits that the term "first storage" is definite as new claim 25 specifically defines how "first storage" differs from "second storage".

Accordingly, based at least on the reasons above, Applicant respectfully submits that new claim 25, and the claims that depend therefrom, are definite under 35 U.S.C. § 112, second paragraph.

## § 102 Rejections

Previously pending claims 1-24 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2005/0002334 to Chao et al. (hereinafter "Chao").

New claim 25 recites:

> 25.     A method for controlling flow of data packets in a computer system, the method comprising:
>          receiving data packets from one of a plurality of pipes in the computer system for processing, the data packets being received during a time interval specific to the one pipe, each of the plurality of pipes in the computer system having a different time interval;
>          examining the data packets to determine whether to transmit the data packets on a first path or on a second path in the computer system such that none of the data packets are dropped before being outputted, the first path having a first storage and the second path having a second storage, the first storage being smaller in size and faster in speed than the second storage; and
>          forwarding the data packets to the first storage for transmission on the first path or to the second storage for transmission on the second path based on examination of the data packets, all of the data packets received during the time interval being transmitted on a same path.

Although Chao discusses input ports, there is no discussion in relation to each input port in Chao having a "time interval" that is specific to the input port such that each input port has "a different time interval" in which data packets are received for processing.  Therefore, Chao does not disclose "receiving data packets from one of a plurality of pipes in the computer system for processing, <u>the data packets being received during a time interval specific to the one pipe</u>, <u>each of the plurality of pipes</u> in the computer system <u>having a different time interval</u>", as recited in claim 25 (emphasis added).

In addition, even though Chao discusses sending packets on different paths, it does <u>not</u> ensure that "none of the data packets are dropped before being outputted", as recited in claim 25.  In fact, Chao specifically states that "if the VOQ becomes full, packets may be discarded" (pg. 8, para. 0183).  Further, Chao does <u>not</u> discuss any path as having a "storage [that is] smaller in size and faster in speed"

than the storage of another path. Therefore, Chao also fails to disclose "examining the data packets to determine whether to transmit the data packets on a first path or on a second path in the computer system such that <u>none of the data packets are dropped before being outputted</u>, the first path having a first storage and the second path having a second storage, <u>the first storage being smaller in size and faster in speed than the second storage</u>", as recited in claim 25 (emphasis added).

Moreover, Chao states that with dynamic hashing, packets in the same flow may not even be assigned to the same path (*see, e.g.*, pg. 6, para. 0158). In contrast, claim 25 recites that "all of the data packets received during the time interval [are] transmitted on a same path". Therefore, Chao teaches away from "forwarding the data packets to the first storage for transmission on the first path or to the second storage for transmission on the second path based on examination of the data packets, <u>all of the data packets received during the time interval being transmitted on a same path</u>", as recited in claim 25 (emphasis added).

Accordingly, based at least on the reasons above, Applicant respectfully submits that claim 25, and the claims that depend therefrom, are <u>not</u> anticipated by Chao.

## CONCLUSION

On the basis of the above remarks, reconsideration and allowance of the claims is believed to be warranted and such action is respectfully requested. If the Examiner has any questions or comments, the Examiner is respectfully requested to contact the undersigned at the number listed below.

Respectfully submitted,
SAWYER LAW GROUP LLP

Dated: _____ February 20, 2008 _____          _____ /Erin C. Ming/ _____
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